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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,314	03/14/2001	Edmund O. Schweitzer III		8678

30621 7590 03/22/2007
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EXAMINER

QURESHI, AFSAR M

ART UNIT	PAPER NUMBER
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2616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/810,314

Applicant(s)

SCHWEITZER ET AL.

Examiner

Afsar M. Qureshi

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 21-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is responsive to amendment received on 9/9/2005.
2. A reference is made to the fax, dated 2/13/2007, whereby Examiner's proposed amendments were incorporated in the claim in order to expedite the allowance. Applicant, however, later decided not to proceed with the amendments and requested, dated 2/27/2007, for another Office action. Based on which the above said amendments, via fax, are not made of record. A new rejection is followed.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 1, line 8 recites the limitation "devices may be transmitted..." is indefinite and vague.

4. Claim 1 recites the limitation "said ports" in line 22. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Schweitzer III (US 5,160,926) ('Schweitzer' hereinafter).

Schweitzer discloses a communication processor apparatus between plurality of devices with data communication capability in a given location or connected remotely, comprising:

- Network system with plurality of ports for devices to be connected (40-43, fig. 2)
- at least one port of entry of control commands (ISO1, ISO2, figs. 2 & 4)
- at least one port for receiving / transmitting data from devices to another devices (see Summary, col. 2, lines 11-27)
- receiving / transmitting means for communicating between devices in port to remainder of apparatus
- means within apparatus for selectively configuring communication parameters associated with each port to enable proper communication between apparatus and devices
- means for storing and retrieving
- means for storing user commands

- means to process data from devices
- control means for controlling data flow and commands within apparatus and between ports

(see figs. 2, 4 & 5, col. 3, lines 33-38, col. 5, lines through col. 6, line 1-8)

Claims 2-5. The ports (fig. 2), as discussed above, are functionally the same as intelligent electric device port wherein intelligent electronic devices (IED) such as protective relays and /or meters are connected to (see col. 3, lines 33-38). Schweitzer further discloses at least six type A relay contacts (ports) A1-A6. Although not specifically disclosed but any of the above IED ports are capable being a master port per convenience of user whereby a display, a computer or a printer can be connected to and automatically configured for the same device. Schweitzer further discloses the serial data format wherein the communication parameters include baud rate, number of data bits, stop bit and parity bit (see col. 3, lines 39-46).

Claims 6-10. Schweitzer discloses means for receiving and transmitting (four ports 40-43, fig. 2) and as discussed in the rejection of claim 1 above means (port) for control commands (ISO1 and ISO2) including commands defined by users, for example a keyboard entry, scroll command, status or clear commands (see fig. 5) to carry out specific functions associated with each command. Schweitzer further discloses means for accepting signals from protective relays and providing signal to output (col. 2, lines 64 through col. 2, lines 1-8, col. 6, lines 9-29, col. 8, lines 58 through col. 9, lines 1-68).

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Claims 11-13. Schweitzer discloses means for providing time information for setting up time clock of devices attached therewith including internal clock (see col. 10, lines 25-50). There is no specific disclosure whether or not source of the time information is an externally generated IRIG-B time code signal. However, as admitted by the Applicant (see col. 4, lines 44-46) IRIG-B time code signal is known and old.

Claims 14-16. Schweitzer discloses means for making the apparatus transparent to received data from one or more than one port. Also disclosed is a communication port 40 connected to internal modem wherein it is known that external telephone lines may be connected to modem for transmission (see col. 3, lines 46 where port 42 may be connected to port 41 via a null modem and is transparent to the received data).

Claims 17-20. Schweitzer discloses circuitry that includes buffer storage for each port and other means for temporarily received storing data and long term non-volatile memory (RAM etc.) (see col. 5, lines 63 through col. 6, lines 1-8).

Allowable Subject Matter

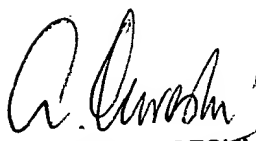
6. Claims 21-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yalla et al. (US 5,224,011); Bealkowski et al. (US 5,210,875).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Afsar M. Qureshi whose telephone number is (571) 272 3178.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Field Lynn can be reached on (571) 272 2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


AFSAR QURESHI
PRIMARY EXAMINER

3/5/2007